



Reprinted
April 12, 2001

ENGROSSED HOUSE BILL No. 1663

DIGEST OF HB 1663 (Updated April 11, 2001 1:17 PM - DI 77)

Citations Affected: IC 5-22; noncode.

Synopsis: Purchasing preference for calcium rich foods. Provides, for purposes of the purchase of food or beverages to be served in a building or room owned or operated by a governmental entity, that a purchasing agent shall give a preference to foods and beverages that: (1) contain a higher level of calcium than products of the same type and quality; and (2) are equal in price to or lower in price than products of the same type and quality. Makes an exception for specified state institutions in certain situations and for contracts for the purchase of supplies that were entered into before July 1, 2001.

Effective: July 1, 2001.

Friend, Brown C, Scholer, Klinker

(SENATE SPONSORS — LAWSON C, SIMPSON, SMITH S, GARD)

January 17, 2001, read first time and referred to Committee on Human Affairs.
February 20, 2001, amended, reported — Do Pass.
February 27, 2001, read second time, ordered engrossed.
February 28, 2001, engrossed.
March 5, 2001, read third time, passed. Yeas 90, nays 8.

SENATE ACTION

March 7, 2001, read first time and referred to Committee on Health and Provider Services.
April 5, 2001, amended, reported favorably — Do Pass.
April 11, 2001, read second time, amended, ordered engrossed.

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EH 1663—LS 7645/DI 77+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1663

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-22-15-7, AS AMENDED BY P.L.153-1999,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 7. (a) An offeror may claim one (1) of the
4 following types of preference for which the offeror is eligible:
5 (1) An Indiana business preference under rules adopted under
6 section 20 of this chapter or IC 4-13.6-6-2.5.
7 (2) A preference for supplies as provided by sections 16, 18, ~~and~~
8 19, **and 24** of this chapter.
9 (3) An Indiana small business preference as provided by section
10 23 of this chapter.
11 (b) An offeror may not claim more than one (1) preference as
12 provided by sections 16, 18, ~~and~~ 19, **and 24** of this chapter for a given
13 supply item.
14 (c) This section does not:
15 (1) apply to; or
16 (2) limit;
17 action of the Indiana department of administration under rules adopted

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1 under section 21 of this chapter.

2 SECTION 2. IC 5-22-15-24 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2001]: **Sec. 24. (a) This section applies in addition to any**
5 **requirements placed upon a governmental entity by the United**
6 **States Department of Agriculture under the National School Lunch**
7 **Program or the School Breakfast Program.**

8 **(b) This section applies to:**

9 **(1) a governmental entity listed in section 1 of this chapter; or**

10 **(2) a business that contracts with a governmental entity listed**
11 **in section 1 of this chapter;**

12 **that purchases food or beverages to be processed and served in a**
13 **building or room owned or operated by the governmental entity.**

14 **(c) High calcium foods and beverages are preferred supplies. A**
15 **purchasing agent shall give a preference to foods and beverages**
16 **that:**

17 **(1) contain a higher level of calcium than products of the same**
18 **type and quality; and**

19 **(2) are equal in price to or lower in price than products of the**
20 **same type and quality.**

21 **(d) Notwithstanding subsection (c), if the director of a state**
22 **institution (as defined in IC 12-7-2-184) determines that a high**
23 **calcium food or beverage that is preferred under subsection (c)**
24 **would interfere with the proper treatment and care of a patient of**
25 **the state institution, the purchasing agent for the state institution**
26 **is not required to purchase the high calcium food or beverage for**
27 **that patient.**

28 SECTION 3. [EFFECTIVE JULY 1, 2001] **(a) Notwithstanding**
29 **IC 5-22-15-24, as added by this act, a purchasing agent who has**
30 **entered into a contract with a supplier before July 1, 2001, to**
31 **purchase food and beverages is not required to purchase high**
32 **calcium foods and beverages if purchasing those products would**
33 **change the terms of the contract.**

34 **(b) This SECTION expires July 1, 2003.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1663, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "a similar" and insert "**the same**".

Page 2, line 20, delete "a" and insert "**the same**".

Page 2, line 21, delete "similar".

and when so amended that said bill do pass.

(Reference is to HB 1663 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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SENATE MOTION

Mr. President: I move that Senators Smith S and Gard be added as cosponsors of Engrossed House Bill 1663.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1663, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 4, after "(a)" insert **"This section applies in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.**

(b)".

Page 2, line 10, delete "(b)" and insert "(c)".

Page 2, line 10, delete "does not apply" and insert **"applies".**

Page 2, line 11, delete "if" and insert **"unless".**

Page 2, line 13, after "of" insert **"a patient of".**

Page 2, line 13, delete "institution's" and insert **"institution.".**

Page 2, delete line 14.

Page 2, line 15, delete "(c)" and insert **"(d)".**

and when so amended that said bill do pass.

(Reference is to HB 1663 as printed February 21, 2001.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 1663 be amended to read as follows:

Page 2, delete lines 14 through 18.

Page 2, line 19, delete "(d)" and insert "(c)".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"(d) Notwithstanding subsection (c), if the director of a state institution (as defined in IC 12-7-2-184) determines that a high calcium food or beverage that is preferred under subsection (c) would interfere with the proper treatment and care of a patient of the state institution, the purchasing agent for the state institution is not required to purchase the high calcium food or beverage for that patient."

(Reference is to HB 1663 as printed April 6, 2001.)

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